IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 25348 of 2004

Between:

R. Venkateswarlu, S/o. R. Gopal,
R/o. H.No. 944, Arunodaya Nagar, Jeevakona,
Tirupati Rural, Chittoor District.

..... PETITIONER

AND

1 Tirumala Tirupati Devasthanams, Tirupati, Chittoor District,
rep by its Executive Officer.
2 The Special Grade Deputy Executive Officer (Services)
O/o. Executive Officer, Tirumala Tirupathi Devasthanams,
Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction, declaring the proceedings of the 2nd respondent herein issued in ROC No. TL9/15445/02, dated 8-7-2004 as illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India and set aside the same and consequently direct the respondents to appoint the Petitioner in any suitable post forthwith.

Counsel for the Petitioner:MR.G.BHASKAR (not present)

Counsel for the Respondents: MR.A.K.JAYAPRAKASH RAO, Standing Counsel for TTD

The Court at the stage of admission made the following ORDER:

None appears for the petitioner.

To declare the proceedings of the second respondent herein vide ROC.No.TL9/15445/02, dated 08-07-2004, as arbitrary and illegal, the present writ petition is filed.

As per the impugned proceedings, the case of the petitioner has been examined in detail and rejected since he is not eligible for employment on compassionate grounds as per the relevant rules.

The case of the petitioner is that his mother was an employee in the services of Tirumala Tirupati Devasthanams, Tirupati. She died on 07-06-2002 leaving behind him; his wife and two married sisters. His father deserted his mother long back. Consequent upon the death of his mother, he made a representation to the respondents on 30-08-2002 requesting it to appoint him in any suitable post on compassionate grounds. Thereafter, the impugned proceedings were issued, which does not contain any valid reason. Hence, the present writ petition.

The first respondent filed a detailed counter affidavit stating that as per the documents produced by the petitioner, his name was found as V.Venkateshwarlu whereas in the Service Register, his name was shown as R.Venkateshwarlu and his father's name was found as V.Narayana Chary whereas in the Service Register, it

was noted as R.Gopal. Further, in the document submitted by the petitioner, his caste was mentioned as Kamsali (B.C. 'B') and in the service record, it was mentioned as Balija (O.C.). In view of the said discrepancies, the request of the petitioner was rejected vide proceedings dated 08-07-2004.

The learned counsel for the respondents submits that the father's name of the petitioner is not tallying with the name mentioned in the Service Register and also after conducting the vigilance enquiry, the caste of the petitioner is also not found to be correct, and therefore, the case of the petitioner was rightly rejected and thus, the impugned proceedings does not suffer from any infirmities so as to call for interference by this Court.

In the impugned proceedings, the respondents referred to the vigilance enquiry report dated 16-07-2003. As per the averments mentioned in the counter affidavit, it is clear that as per the documents produced by the petitioner, his name was found as V.Venkateshwarlu whereas in the Service Register, his name was shown as R.Venkateshwarlu and his father's name was found as V.Narayana Chary whereas in the service record, his father's name was shown as R.Gopal. So also, he belongs to Kamsali (B.C. 'B') community as per the community certificate produced by him whereas as per the service record, he belongs to Balija (O.C.) community.

In view of the said serious discrepancies and based on the vigilance enquiry report dated 16-07-2003, the second respondent issued the impugned proceedings in accordance with law. Hence, the impugned proceedings do not suffer from any legal infirmities so as to call for interference by this Court. The writ petition is devoid of merit and it is liable to be dismissed.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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(K.C.BHANU, J)

7th MARCH, 2005.

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To

1 The Executive Officer, Tirumala Tirupati Devasthanams,
Tirupati, Chittoor District,
2 The Special Grade Deputy Executive Officer (Services)
O/o. Executive Officer, Tirumala Tirupathi Devasthanams,
Tirupati, Chittoor District.

3 Two CD Copies.